

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



May 8, 1996

ALL COUNTY LETTER NO. 96-22

REASON FOR THIS TRANSMITTAL
<input checked="" type="checkbox"/> State Law Change
<input type="checkbox"/> Federal Law or Regulation Change
<input type="checkbox"/> Court Order or Settlement Agreement
<input type="checkbox"/> Clarification Requested by One or More Counties
<input type="checkbox"/> Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: SENATE BILL (SB) 969 (CHAPTER 832, STATUTES OF 1995)
(ATTACHED FOR REFERENCE)

REFERENCES: SB 2234 (CHAPTER 1250, STATUTES OF 1990)
SB 90 (CHAPTER 1200, STATUTES OF 1991)

The purpose of this letter is to inform you of changes in the law which:

- o Amend Welfare and Institutions Code (WIC) Section 18358 pertaining to intensive treatment foster care programs originally established as two pilot projects under SB 2234.

- o Allow an intensive treatment foster care program to be established in any participating county that applies for and receives an intensive treatment foster care program rate.

Regulations are not required to implement this provision.

BACKGROUND

SB 2234 (1990) required the California Department of Social Services (CDSS) to implement intensive treatment foster care (ITFC) pilot programs in Yolo and Alameda counties with a limitation of one participating foster family agency (FFA) per county. Families First and Seneca Center FFAs were chosen, respectively. ITFC programs are intended to transition emotionally disturbed children placed at group home rate classification level (RCL) 12 or higher from group care residential settings to non-institutional family homes in which a FFA provides intensive treatment and support services.

SB 90 (1991) extended eligibility to children assessed by the county interagency placement team as at imminent risk of psychiatric hospitalization or placement into a group home with a RCL 12 or higher and to counties other than the host county when approved by the host county.

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The ITFC program rates are set by statute and therefore the current Aid to Families with Dependent Children-Foster Care (AFDC-FC) standardized rates system does not apply to the ITFC program. The ITFC rate system redirects funds that would otherwise be spent on higher cost group care programs. The ITFC rate covers extensive support services for emotionally disturbed children placed in FFA certified foster homes. The rate is determined by the child's service level and will decrease as their reliance on these services decreases.

SB 969 (Chapter 832, Statutes of 1995) effective January 1, 1996, extends the pilots pursuant to SB 2234 (1990) into permanent ITFC programs which may be established by any county desiring to participate under the specifications of SB 969.

COUNTY PLANS

All counties desiring to establish an ITFC program must submit a county plan to CDSS for approval. WIC Section 18358.05 requires that county plans include each of the following elements:

o Identification of the population of children to be served within the following parameters:

- a) not more than 20 percent shall be children who, as a result of their emotional disturbances, have been assessed by the child's county interagency review team as at imminent risk of psychiatric hospitalization or placement in a group home with a rate classification level of 12 or higher. (see Section 18358 (b) (2)); and
- b) the remaining 80 percent of the population of children served must be children who, as a result of their emotional disturbance, have been placed in a group home with a rate classification level of 12 or higher.

o Identification of specific FFAs which have been certified by the county as meeting the ITFC program requirements, including maintaining adequate personnel, administrative support, financial services, and other necessary resources.

o Certification that participation will provide projected savings or cost neutrality to the state General Fund.

o A plan for monitoring compliance of FFAs participating in the program.

CONTRACTS WITH FFAS

Participating counties must develop and execute annual contracts or Memorandum of Understandings (MOU) with FFAs concerning:

- o Personnel and administrative support services. (WIC 18358.10)
- o FFA plans for the provision of specific services and activities. (WIC 18358.20)
- o The placement of eligible children in the ITFC program, provision of routine case management services, and monitoring of the implementation of the case plan. (WIC 18358.23)

MOUs should not be forwarded with the county plan, however, participating counties must certify the MOU process is complete and make the documents available for review on request from CDSS.

County plans (3 copies) should be forwarded to the Foster Care Rates Bureau manager:

Judy Colbert, Chief
Foster Care Rates Bureau
744 P Street MS 19-74
Sacramento, CA 95814

If you have questions concerning the county plan and rate process, please contact Karen Godfrey, Rates Consultant in the Foster Care Rates Bureau, at (916) 322-9202.

For ITFC program information, please contact Shantel Hill of the Foster Care Policy Bureau, at (916) 445-2886.

Information concerning ITFC program data collection as required by WIC Section 18358.20 will be sent under a separate letter.

Sincerely,



MARJORIE KELLY
Deputy Director
Children & Family Services Division

c: County Welfare Directors Association

Attachment: SB 969

CHAPTER 832

An act to amend Section 18358, 18358.05, 18358.10, 18358.23, 18358.30 of, to add Sections 18358.20 and 18358.36 to, and to repeal Sections 18358.40, 18358.45, and 18358.50 of, the Welfare and Institutions Code, relating to public social services.

[Approved by Governor October 12, 1995. Filed
with Secretary of State October 13, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

SB 969, Watson. Intensive foster care.

Existing law establishes, until January 1, 1999, authorization for the placement into an intensive foster care pilot program those children who are emotionally disabled or who, because of their emotional distress, have been subject to placement in a group home, or have been adjudicated a dependent child of the court, and provides for payment of foster care providers. Existing law prohibits the acceptance of children for that program after June 30, 1996.

This bill would make the program generally applicable in any participating county, revise eligibility requirements for the program, revise the payment procedures and funding for the intensive foster care program, and delete the provision repealing the authority for the intensive foster care program on January 1, 1999, and the prohibition against accepting children for that program after June 30, 1996.

The people of the State of California do enact as follows:

SECTION 1. Section 18358 of the Welfare and Institutions Code is amended to read:

18358. The definitions contained in this section shall govern the construction of this chapter, unless the context requires otherwise:

(a) "Department" means the State Department of Social Services.

(b) "Eligible children" means children who meet all of the following conditions:

(1) Children who are emotionally disturbed, as evidenced by a history which may include, but is not limited to, all of the specific behavior management problems:

(A) Lying.

(B) Stealing.

(C) Verbal or physical aggression.

(D) Unacceptable sexual behavior.

(E) Attempts at self-mutilation or suicide.

(F) Defiant and oppositional behavior.

(2) Children who, as a result of their emotional disturbance, have been either:

(A) Placed in a group home with a rate classification level of 12 or higher pursuant to Section 11462.

(B) Assessed by the child's county interagency review team as at imminent risk of psychiatric hospitalization or placement in a group home with a rate classification level of 12 or higher pursuant to Section 11462.

(3) Children who have successfully completed the group home program, except children on probation or otherwise in the custody of the juvenile court for any violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code.

(B) Any child who is voluntarily placed in a group home with a rate classification level of 12 or higher pursuant to Section 7572.5 of the Government Code.

SEC. 2. Section 18358.05 of the Welfare and Institutions Code is amended to read:

18358.05. (a) The department shall implement intensive treatment foster care programs for eligible children.

(b) (1) The department shall implement the program in any participating county that applies for and receives the department's approval for an intensive treatment foster care program rate.

(2) Upon application to the department, the county shall do all of the following:

(A) Identify the population of children to be served, of whom not more than 20 percent shall be children described in paragraph (2) of subdivision (b) of Section 18358.

(B) Certify that participating foster family agencies have the required personnel, administrative support, financial services, and resources to successfully participate in the program.

(C) Project savings or cost neutrality to the state General Fund.

(D) Provide a plan for monitoring the participating foster family agencies for compliance with this chapter.

(3) Each participating foster family agency may, with the approval of the host county, accept placements from counties other than the host county.

SEC. 3. Section 18358.10 of the Welfare and Institutions Code is amended to read:

18358.10. Each foster family agency participating in this program shall enter into a contract or memorandum of understanding with the county and provide all of the following personnel and administrative and support services:

(a) (1) Special attention to the selection and training of foster parents.

(2) All participating foster parents shall be provided with at least 60 hours of training in the care of emotionally disturbed children and 12 hours of ongoing in-service training per year. Training shall include, but not be limited to, working with abused and neglected children, progressive crisis intervention, and cardiopulmonary resuscitation. All training shall be completed prior to the child's placement in the home. In two-parent homes, placement may be made after one parent has completed 60 hours of training, provided that the second parent has completed 40 hours of training and completes an additional 20 hours of training within the first six months of placement.

(3) Foster parents shall be provided with all necessary support services.

(b) Caseloads for participating social work case managers that average eight children, except as provided in paragraph (1) of subdivision (b) of Section 18358.30.

(c) Therapists for the provision of therapy to the child, the biological parents of the child, and the foster parents of the child.

(d) The specific assignment to each certified family home of a trained support counselor with experience in residential treatment.

(1) The support counselor shall have one of the following:

(A) A bachelor's degree in a social science related field and at least six months of experience in working with emotionally disturbed children in institutional settings.

(B) An associate degree in a social science related field and have at least one year's experience in working with emotionally disturbed children in institutional settings.

(2) Each participating foster family agency shall provide each support counselor with 60 hours of training to include, but not be limited to, working with abused and neglected children, progressive crisis intervention, cardiopulmonary resuscitation, and developing treatment plans for emotionally disturbed children. All training shall be completed prior to placing a child in a certified family home for which the support counselor is assigned responsibility.

(3) Each support counselor shall do all of the following:

(A) Provide support service to the child and the foster family. This service shall include, but not be limited to, structuring a safe environment for the child, collateral contacts, and any administrative or training functions necessary to implement the child's needs and services plan. The child's needs and services plan shall ensure that services meet the child's needs and are appropriate to and consistent with the minimum level of service specified in Section 18358.30. The child's individual needs and services plan shall be reviewed and approved by the certified foster parents.

(B) Arrange for coordination services with local education agencies and the service provider's nonpublic school, where applicable.

(e) A 24-hour on call administrator who is available to respond to emergency situations.

SEC. 4. Section 18358.20 is added to the Welfare and Institutions Code, to read:

18358.20. In addition to the requirements of Sections 18358.10 and 18358.15, any foster family agency that serves children under this program shall have a contract or memorandum of understanding with the county prior to accepting referrals of children. The plan shall identify how the foster family agency will provide the following services and activities:

(a) An effective 24 hours a day, seven days a week social work emergency response service. The plan shall include the criteria for an in-person response and define the time frame in which in-person response will be made.

(b) Psychiatric coverage available as needed for psychiatric emergencies.

(c) Development of a treatment plan approved by the placing county for each child within one month of placement that addresses all of the following:

- (1) The child's needs for therapy.
- (2) Behavior modification services.
- (3) Support counselor services.
- (4) Psychotropic medication and monitoring.
- (5) Respite services.
- (6) Family therapy and other services needed to return the child home.

(7) Education liaison services as needed to maintain the child in the classroom.

(d) A system for recruiting, training, and supervising qualified in-home support counselors.

(e) A system of record keeping that documents the delivery of treatment services to each child. This documentation shall be summarized and submitted on an annual basis to the county. Each agency shall report the type and cost of the services delivered.

(f) Written policies and procedures on how the program will be structured to ensure the safety of the child, how suicide attempts, runaways, sexual acting out, violent and assaultive behavior will be handled, and what will occur to reduce or eliminate future episodes.

(g) Written procedures on frequency of treatment plan review, modifications of treatment plans, and the role of the foster family and the child's parents in development of the treatment plan.

(h) A process for recruitment, selection and training of foster parents, including respite foster parents. The training curriculum shall include the following areas, at a minimum:

- (1) Alternative forms of discipline.
- (2) Child growth and development.
- (3) Behavior management techniques.

- (4) Differential needs and treatment of children.
- (5) Crisis prevention and intervention.
- (i) Provision of respite care services and frequency of respite care.
- (j) Social work staffing patterns. Social workers shall have a master's degree consistent with subdivision (e) of Section 1506 of the Health and Safety Code, and shall have at least one year of experience working with seriously emotionally disturbed children.
- (k) Other staff or contract services to be utilized in service delivery, the tasks and responsibilities of those individuals, and the training they will receive.

(l) An evaluation component that includes quarterly reporting to the department of the following data, by age group. The department shall publish the data annually.

- (1) Number of children placed under this chapter.
- (2) Outcomes for children referred to the program, including:
 - (A) Percentage of children returned to a more intensive program.
 - (B) Percentage of children hospitalized.
 - (C) Percentage of children discharged to own home.
 - (D) Percentage of children continuing in placement.
- (3) Services provided to children and families, including:
 - (A) Number of in-home support counselor hours per child.
 - (B) Number of psychiatrist hours per child.
 - (C) Number of emergency social work hours per child.
 - (D) Number of families receiving family therapy services and number of families receiving this service on a weekly basis.

(m) A plan for surveying placing counties annually to ascertain and report to the department on the following:

- (1) Quality of services provided.
- (2) Progress toward treatment goals.
- (3) Satisfaction with services provided.

SEC. 5. Section 18358.23 of the Welfare and Institutions Code is amended to read:

18358.23. In addition to the requirements of paragraph (2) of subdivision (b) of Section 18358.05, county welfare departments in participating counties shall do all of the following:

(a) Determine the placement of eligible children in intensive foster care programs. All children placed in the programs shall either have a completed level of care assessment indicating a need for services greater than regular foster care or have their placement reviewed by the participating county's existing interagency review team.

(b) Enter into contracts or memoranda of understanding with participation foster family agencies on an annual basis.

(c) Provide routine case management services.

(d) Monitor the implementation of the case plan for the child.

SEC. 6. Section 18358.30 of the Welfare and Institutions Code is amended to read:

18358.30. (a) Rates for foster family agency programs participating under this chapter shall be exempt from the current AFDC-FC foster family agency ratesetting system.

(b) Rates for foster family agency programs participating under this chapter shall be set according to the appropriate service and rate level based on the level of services provided to the eligible child and the certified foster family. For an eligible child placed from a group home program, the service and rate level shall not exceed the rate paid for group home placement. For an eligible child assessed by the county interagency review team as at imminent risk of group home placement or psychiatric hospitalization, the appropriate service and rate level for the child shall be determined by the interagency review team at time of placement. In all of the service and rate levels, the foster family agency programs shall:

(1) Provide social work services with average case loads not to exceed eight children per worker, except that social worker average case loads for children in Service and Rate Level E shall not exceed 12 children per worker.

(2) Pay an amount of one thousand two hundred dollars (\$1,200) per child per month to the certified foster parent or parents.

(3) Perform activities necessary for the administration of the programs, including, but not limited to, training, recruitment, certification, and monitoring of the certified foster parents.

(4) (A) (i) Provide a minimum average range of service per month for children in each service and rate level in a participating foster family agency, represented by paid employee hours incurred by the participating foster family agency, by the in-home support counselor to the eligible child and the certified foster parents depending on the needs of the child and according to the following schedule:

Service and Rate Level	In-Home Support Counselor Hours Per Month
A	98-114 hours
B	81-97 hours
C	64-80 hours
D	47-63 hours

(ii) Children placed at Service and Rate Level E shall receive crisis intervention and other support services on a flexible, as needed, basis from an in-home support counselor. The foster family agency shall provide one full-time in-home support counselor for every 20 children placed at this level.

(B) When the interagency review team and the foster family agency agree that alternative services are in the best interests of the

child, the foster family agency may provide the following types of services in lieu of in-home support services required by subparagraph (A):

- (i) Therapy.
- (ii) Behavior modification services.
- (iii) Support counselor services.
- (iv) Psychotropic medication and monitoring.
- (v) Respite services.
- (vi) Family therapy to aid in family reunification.
- (vii) Education liaison services to maintain the child in the classroom.

(c) The department or placing county, or both, may review the level of services provided by the foster family agency program. If the level of services actually provided are less than those required by subdivision (b) for the child's service and rate level, the rate shall be adjusted to reflect the level of service actually provided, and an overpayment may be established and recovered by the department.

(d) (1) The standard rate schedule of service and rate levels for the 1995-96 fiscal year shall be:

Service and Rate Level	Fiscal Year 1995-96 Standard Rate
A	\$3,733
B	\$3,423
C	\$3,112
D	\$2,802
E	\$2,490

(2) Beginning with the 1996-97 fiscal year, the standardized schedule of rates shall be adjusted annually by an amount equal to the California Necessities Index computed pursuant to Section 11453, subject to the availability of funds.

(e) Rates for foster family agency programs participating under this chapter shall not exceed Service and Rate Level A at any time during an eligible child's placement. An eligible child may be initially placed in a participating intensive foster care program at any one of the five Service and Rate Levels A to E, inclusive, and thereafter placed at any level, either higher or lower, not to exceed a total of six months at any level other than Service and Rate Level E, unless it is determined to be in the best interests of the child by the child's county interagency review team and the child's certified foster parents. The child's interagency county interagency placement review team may, through a formal review of the child's placement, extend the placement of an eligible child in a service and rate level

higher than Service and Rate Level E for additional periods of up to six months each.

(f) It is the intent of the Legislature that the rate paid to participating foster family agency programs shall decrease as the child's need for services from the foster family agency decreases. The foster family agency shall notify the placing county and the department of the reduced services and the pilot classification model, and the rate shall be reduced accordingly.

(g) It is the intent of the Legislature to prohibit any duplication of public funding. Therefore, social worker services, payments to certified foster parents, administrative activities, and the services of in-home support counselors that are funded by another public source shall not be counted in determining whether the foster family agency program has met its obligations to provide the items listed in paragraphs (1), (2), (3), and (4) of subdivision (b). The department shall work with other potentially affected state departments to ensure that duplication of payment or services does not occur.

SEC. 6.5. Section 18358.36 is added to the Welfare and Institutions Code, to read:

18358.36. In order to provide for continuity of services to children receiving intensive foster care services, the two foster family agencies providing services pursuant to this chapter prior to January 1, 1996, may continue to operate their programs until June 30, 1997, without the certification required by Section 18358.05 and without a contract or memorandum of understanding with counties that have children in placement as of January 1, 1996. By July 1, 1997, these foster family agencies shall meet all the requirements of this chapter, including certification and contract or memorandum of understanding with the placing county or counties.

SEC. 7. Section 18358.40 of the Welfare and Institutions Code is repealed.

SEC. 8. Section 18358.45 of the Welfare and Institutions Code is repealed.

SEC. 9. Section 18358.50 of the Welfare and Institutions Code is repealed.